

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4574

To amend part B of the Individuals with Disabilities Education Act to provide that the requirement regarding the continued educational placement of children with disabilities in public schools during the pendency of certain proceedings shall not apply with respect to disciplinary proceedings against those children for possession of firearms or other deadly weapons or assault with deadly weapons.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1994

Mr. STEARNS (for himself, Mr. KLUG, Mr. CANADY, Mr. LEWIS of Florida, and Mrs. FOWLER) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend part B of the Individuals with Disabilities Education Act to provide that the requirement regarding the continued educational placement of children with disabilities in public schools during the pendency of certain proceedings shall not apply with respect to disciplinary proceedings against those children for possession of firearms or other deadly weapons or assault with deadly weapons.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. INAPPLICABILITY OF REQUIREMENT REGARD-**  
2 **ING CONTINUED EDUCATIONAL PLACEMENT**  
3 **OF CHILDREN WITH DISABILITIES DURING**  
4 **DISCIPLINARY PROCEEDINGS FOR POSSES-**  
5 **SION OF FIREARMS OR OTHER DEADLY**  
6 **WEAPONS OR ASSAULT WITH DEADLY WEAP-**  
7 **ONS.**

8 (a) IN GENERAL.—Paragraph (3) of section 615(e)  
9 of the Individuals with Disabilities Education Act (20  
10 U.S.C. 1415(e)(3)) is amended—

11 (1) by inserting “(A)” after the paragraph des-  
12 ignation;

13 (2) in subparagraph (A) (as so redesignated),  
14 by striking “During” and inserting “Except as pro-  
15 vided in subparagraph (B), during”; and

16 (3) by adding at the end the following new sub-  
17 paragraph:

18 “(B)(i) The requirement contained in subparagraph  
19 (A) regarding the maintenance of a child with a disability  
20 in the current educational placement of such child shall  
21 not apply with respect to a disciplinary proceeding against  
22 such child for possession of a firearm or other deadly  
23 weapon or assault with a deadly weapon.

24 “(ii) For purposes of this subparagraph, the terms  
25 ‘deadly weapon’ and ‘assault with a deadly weapon’ shall  
26 have the meanings given such terms by the State edu-

1 cational agency, or at the option of the State educational  
2 agency, the local educational agency, except that the term  
3 ‘assault with a deadly weapon’ shall include assaults with  
4 items not generally considered to be deadly weapons if  
5 such items are used in a manner which is intended to  
6 cause potentially life-threatening injuries.’’.

7 (b) EFFECTIVE DATE.—The amendments made by  
8 subsection (a) apply with respect to a disciplinary proceed-  
9 ing commenced on or after the date of the enactment of  
10 this Act.

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